REMARKS

Claims 1-41 are pending in the present application. No claims have been cancelled herein, and claims 34-41 have been added. Claims 1, 11-13, and 26 have been amended. No new matter has been added.

Claims 1-5, 7-8, 10, 12-14, 16-23, and 25-33 have been rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by U.S. Patent No. 6,204,103 B1 to Bai et al. (hereinafter "Bai"). Claims 6, 9, and 15 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Bai. Claims 11 and 24 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Bai in view of U.S. Patent No. 6,150,243 to Wieczorek et al. (hereinafter "Wieczorek"). Applicants respectfully traverse these rejections.

Independent claim 1 has been amended to more clearly recite at least one of the distinguishing features of the present invention, namely, the step of "*forming a nitrogen-containing dielectric layer over the gate electrode, the spacers, the source region and the drain region.*" Bai fails to disclose forming a *nitrogen-containing* dielectric layer over the gate electrode and spacers.

It should be noted that the Office Action rejected claim 11, which includes a limitation that the dielectric layer comprises silicon nitride or silicon oxynitride (examples of nitrogen-containing dielectrics), under 35 U.S.C. § 103(a) as assertedly being unpatentable over Bai in view of Wieczorek. In particular, the Office Action asserted that "It would have been obvious to form the sidewall spacers of silicon nitride or silicon oxynitride, since Wieczorek et al. teaches that these are well known materials used in the art to form sidewall spacers and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice." (Office Action, paragraph 5.) (Citations omitted.)

However, Applicants claim recites that "*forming a nitrogen-containing dielectric layer over the gate electrode, the spacers, the source region and the drain region.*" That is, Applicants claim recites that the dielectric layer, not the spacers, is a nitrogen-containing layer. Because silicon nitride or silicon oxynitride are commonly used as spacers for an ion implant, it is not obvious to use silicon nitride or silicon oxynitride for other purposes and other structures, such as the dielectric layer recited in claim 1. Therefore, Applicants respectfully submit that it would not have been obvious to use silicon nitride or silicon oxynitride as the dielectric layer of amended independent claim 1.

Accordingly, it is respectfully requested that the rejection of independent claim 1 under 35 U.S.C. § 102(b) be withdrawn. Claims 2-10 and 12 depend from and further limit independent claim 1, and thus, it is respectfully requested that the rejections of dependent claims 2-10 and 12 be withdrawn as well.

Independent claim 13 has been amended to more clearly recite at least one of the distinguishing features of the present invention, namely, the step of "siliciding the second gate electrode of the second transistor *in a different process step as the step of siliciding the first gate electrode.*" Bai fails to disclose siliciding the first gate electrode and the second gate electrode in separate steps.

Accordingly, it is respectfully requested that the rejection of independent claim 13 under 35 U.S.C. § 102(b) be withdrawn. Claims 14-25 depend from and further limit independent claim 13, and thus, it is respectfully requested that the rejections of dependent claims 14-25 be withdrawn as well.

Independent claim 26 has been amended to more clearly recite at least one of the distinguishing features of the present invention, namely, the limitation that the semiconductor devices includes "a dielectric layer having a thickness less than a thickness of the gate electrode covers at least a portion of the source and the drain of the first and second transistors." Bai fails to disclose a semiconductor device having a dielectric layer formed over the source and drain regions wherein the dielectric layer has a thickness less than the thickness of the gate electrode.

Accordingly, it is respectfully requested that the rejection of independent claim 26 under 35 U.S.C. § 102(b) be withdrawn. Claims 27-33 depend from and further limit independent claim 26, and thus, it is respectfully requested that the rejections of dependent claims 27-33 be withdrawn as well.

In view of the above, Applicants respectfully submit that the application is in condition for allowance and request that the Examiner pass the case to issuance. If the Examiner should have any questions, Applicants request that the Examiner please contact Applicants' attorney at the address below. In the event that the enclosed fees are insufficient, please charge any additional fees required to keep this application pending, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

7-2-04
Date

Roger C. Knapp
Attorney for Applicants
Reg. No. 46,836

SLATER & MATSIL, L.L.P.
17950 Preston Rd.
Suite 1000
Dallas, Texas 75252
Tel. 972-732-1001
Fax: 972-732-9218